IN THE HIGH COURT OF THE JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1722 OF 2004

Dastgir Abdulkarim Pathan ...Petitioner
(Org.Opponent)

V/s

Sartaj Dastagir Pathan ...Respondents
Nee:Sartaj Nijam Mulani & Ors.

Shri.P.D. Dalvi for the Petitioner.
Shri. A.S.Gadkari A.P.P.,for the Respondents.

CORAM : A.S.OKA, J.
DATED : JUNE 09, 2005.

P.C.:

1. Heard Shri. Dalvi for the Petitioner. Originally, the Respondent No.1 filed an Application under Section 125 of the Code of Criminal Procedure, 1973. In view of the decision of this Court the Application was treated as application under section 3(1) of the Muslim Women(Protection of Rights on Divorce) Act, 1986. The learned Magistrate directed the Petitioner to pay sum of Rs.75,000/- to the Respondent No.1 by way of maintenance of the Iddat period to secure the life of the Respondent No.1. The amount of Rs.75,000/- was quantified as it was established that the Petitioner was an employee of Kolhapur Municipal Transport and was getting salary of Rs.4,000/- per month.

2. Shri. Dalvi submitted that the Respondent No.1

prayed that total amount of Rs.50,000/- and inclusive amount of Rs.75,000/- have been avoided.

3. Parties were permitted to lead evidence before the learned Magistrate on all aspects of the matter including quantum of the maintenance payable. Considering the evidence relating to income of the Petitioner and all other aspects the learned Magistrate arrived at figure of Rs.75,000/- which has been confirmed by the Sessions Court in revision. In my view the qunatification of the amount of maintenance is based on legal evidence on record. No interferance is called for in Petition under Article 227 of the Constitution of India. Accordingly, Petition is rejected. If the Petitioner has not complied with the order passed by learned Magistrate, time of 12 weeks is granted to the Petitioner to comply with the said order.

4. Parties to act upon an authenticated copy of this order.

JUDGE